

Notice of Allowability

Application No.

10/731,787

Examiner

Mr. Terry K. Cecil

Applicant(s)

GUZMAN ET AL.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephonic interview of 4-3-2006.
2. ☒ The allowed claim(s) is/are 1-3, 5-6 and 11 are allowed and have been respectively renumbered upon allowance as claims 1-6.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date one
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 0406
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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Note: Claims 1-3, 5-6 and 11 are allowed and have been respectively renumbered upon allowance as claims 1-6.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with James Kwak on 4-3-2006.

2. The application has been amended as follows:

- Claims 4 and 7-10 have been canceled.
- Claim 1 has been amended as follows:

—1. (Currently Amended) A water filter, comprising:

a first opening for connecting to a faucet;

a cartridge having filter media;

a float portion residing on top of said cartridge, said float portion adapted to move up off the cartridge during water flow;

a magnet on said float portion;

a switch in communication with said magnet, wherein said magnet activates said switch during water flow;

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a processor electrically connected to said switch wherein said processor tracks the time water flows through the filter;

wherein said float portion returns to the top of said cartridge when water is not flowing through said filter;

a body portion for enclosing said cartridge;

a space interposed between said body portion and said cartridge;

wherein said float portion is adapted to reside in a portion of said space so that when water flows into said filter, water fills said space moving said float portion off said cartridge allowing water to flow into said cartridge.—

- Claim 5, line 1, “claim 4” has been replaced with —claim 1—.
- Claim 11, line 15, after “wherein said float”, —portion— has been added.
- The TITLE has been changed to —WATER FILTER HAVING A FILTER USE TIME INDICATOR—.

Required Drawing Changes

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: the drawings will be formal having uniform lines and include reference no. “10” cited in paragraph [0008] of the specification. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:
- The closest cited art—Warren et al. (U.S.2004/0069696) and Primdahl (U.S. 5,888,381)—fail to anticipate or render obvious, alone or in any proper combination, the float portion (i) having a magnet; (ii) residing on top of the cartridge in the space between the body portion and the cartridge; (iii) moving up off the cartridge when water fills the space to allow water to flow into the cartridge; and (iv) activating a switch to track the time of water flow through the filter—within the embodiments of claims 1 and 11.
 - Warren teaches a gate allowing filtered water out of the cartridge but does not teach the aforementioned limitations e.g. a float that allows water flow into the cartridge. In Primdahl, the flexible cap is not a float and does not reside on top of the cartridge to move up thereof during water flow. Brewer (U.S. 2,388,671) and Allen et al. (U.S. 3,372,225) teach generic float flow switches.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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5. Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (571) 272-1138 at the Carlisle campus in Alexandria, Virginia for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:30a to 4:30p, on at least four days during the week M-F.
- Wanda Walker, the examiner's supervisor, can be reached at (571) 272-1151 if attempts to reach the examiner are unsuccessful.
- The Fax number for this art unit for official faxes is (571) 273-8300.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mr. Terry K. Cecil
Primary Examiner
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TKC
April 3, 2006